



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,638	07/08/1999	DANIEL J. SHOFF	MS1-089USC1	6866
22801	7590	07/14/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/349,638  
Filing Date: July 08, 1999  
Appellant(s): SHOFF ET AL.

**MAILED**

JUL 14 2006

**Technology Center 2600**

---

William J. Breen, III  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 25, 2006 appealing from the Office action mailed June 8, 2004.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on July 21, 2004 has not been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Art Unit: 2623

5,861,881	FREEMAN et al.	01-1999
5,884,056	Steele	03-1999
5,629,733	YOUMAN et al.	05-1997

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 56, 61, 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 5,861,881) in view of Steele (US 5,884,056).

Regarding claim 56, Freeman discloses interactive computer 6 comprises memory 284; Remote IR 628 for receives command from user input device. Controller 178 controls Data Tuner 615 to receive program based on the command (figure 13). The controller 178 also examines the control data for the occurrence of a header code designating the

Art Unit: 2623

onset of a trigger point in the program. When a trigger point is detected, predetermined additional information (audio segments, graphics data, etc.) is retrieved and displayed on the screen monitor. Freeman further discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, figures 10-13; col. 5, lines 28-60; col. 12, line 37-col. 13, line 45; col. 15, line 26-col. 16, line 55); the subscriber gain access to the interactive programming on the server via online menu (col. 4, lines 35-41; col. 7, line 10-12). In addition, Freeman discloses Interactive programs can be created using the Internet. Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interaction (col. 4, lines 35-41; col. 19, lines 34-47). Thus, by selecting the online menu to access the Internet, the system must dynamically loads an application to access Internet or to display content received from Internet (for example, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet). Therefore, Freeman teaches a viewer computing unit (6) for receiving and displaying continuous video content programs, comprising: a memory (284 – figure 13); a processor (178) programmed to determined whether the video content programs are interactive (determining trigger point in program); a tuner (615) to tune to channels carrying the video content programs; Freeman further discloses the predetermined additional information (audio and/or text/graphics) can be

Art Unit: 2623

retrieved from Web site locations (col. 19, lines 34-47). However, Freeman does not specifically disclose an Internet browser stored in the memory.

Steele discloses storing Web browser in client machine 10 (col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 61, Freeman discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, figures 10-13; col. 5, lines 28-60; col. 12, line 37-col. 13, line 45; col. 15, line 26-col. 16, line 55); the subscriber gain access to the interactive programming on the server via online menu (col. 7, lines 10-12, col. 19, lines 34-47). Freeman further discloses Interactive programs can be created using the Internet. Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interaction (col. 19, lines 34-47). Thus, by selecting the online menu to access the Internet, the system must dynamically loads an application to access Internet or to display content received from Internet (for example, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet). Freeman teaches computer-implemented a method for activating interactive supplemental content (audio

Art Unit: 2623

and/or text/graphics) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible (determine trigger point in program), where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (code of trigger point is linked to a predetermined source at head end, local storage, Internet -col. 15, line 60-col. 16, line 16);

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the trigger point is detected, the audio and/or text/graphics from sources associated with the link of trigger point is displayed with program – col. 15, line 60-col. 16, line 16). However, Freeman does not specifically disclose an Internet browser.

Steele discloses storing Web browser in client machine 10 (col. 5, lines 10-21).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 63, the claim is directed toward embody the method of claim 61 in “computer program”. It would have been obvious to embody the procedures of Freeman in view of Steele as discussed with respect to claim 61 in a “computer program” in order that the instructions could be automatically performed by a processor.

Regarding claim 64, Freeman discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, figures 10-13; col. 5, lines 28-60; col. 12, line 37-col. 13, line 45; col. 15, line 26-col. 16, line 55); the subscriber gain access to the interactive programming on the server via online menu (col. 7, lines 10-12).

Freeman further discloses Interactive programs can be created using the Internet.

Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interaction (col. 19, lines 34-47). Thus, by selecting the online menu to access the Internet, the system must dynamically loads an application to access Internet or to display content received from Internet (for example, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet). In addition, Freeman discloses interactive commands, data codes, may either be embedded into data portions of full motion video segments (for example, within the vertical blanking interval), or may reside separately on a storage medium (col. 6, lines 11-23); the interactive elements may be broadcast synchronously (alternative responses aligned in time, serially, on separate channels, embedded in the existing video and/or transmitted before or during the program (col. 14, lines 32-67) or the codes/triggers command is provided in data stream on another channel separate from channel carry video signal



Art Unit: 2623

(col. 9, lines 10-24). Freeman teaches computer-implemented a method for activating interactive supplemental content (audio and/or text/graphics) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible by checking a channel (path from local storage or channel with data stream carries video information) separate from the channel carrying the video content program (channel with data stream carrying video signal or full motion video segments) for presence of the supplemental content (interrogatory message is presented as graphics displays overlaid by the interactive computer workstation onto a video, wherein the graphics data is either sent on separate channel of the composite interactive signal, stored on the hard disk, or external storage, local storage, etc. – col. 6, lines 10-23; col. 9, lines 10-24; col. 13, line 45-col. 14, line 7), where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (code of trigger point/interrogatory message is linked to a predetermined source at head end, local storage, Internet –col. 4, lines 35-41; col. 15, line 60-col. 16, line 55; col. 19, lines 34-47);

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the message/trigger point/code/command is detected, user can select the message for displaying audio and/or text/graphics from sources associated with the selected information – col. 4, lines 35-41; col. 15, line 60-

Art Unit: 2623

col. 16, line 55; col. 19, lines 34-47). However, Freeman does not specifically disclose an Internet browser.

Steele discloses storing Web browser in client machine 10 (col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 65, Freeman discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, figures 10-13; col. 5, lines 28-60; col. 12, line 37-col. 13, line 45; col. 15, line 26-col. 16, line 55);; the subscriber gain access to the interactive programming on the server via online menu (col. 7, lines 10-12).

Freeman further discloses Interactive programs can be created using the Internet.

Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interaction (col. 19, lines 34-47). Thus, by selecting the online menu to access the Internet, the system must dynamically load an application to access Internet or to display content received from Internet (for example, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet). Freeman teaches a computer implemented method for activating interactive supplemental content (audio

Art Unit: 2623

and/or text/graphics – col. 19, lines 40-47) for a video content program upon tuning to a channel carrying the video content program, comprising the steps:

determining if a program is interactive compatible (see including, but is not limited to, col. 12, line 35-col. 13, line 45), where an interactive compatible program is associated with target source containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications (graphical interrogatory message is linked to a predetermined source at head end, local storage, Internet. –col. 12, line 35-col. 13, line 45); displaying an icon (graphical interrogatory message -col. 13, line 45+) to visually inform the viewer that the program is interactive compatible; and in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the trigger point, set by user selection of the message, is detected, the audio and/or text/graphics from sources associated with the link, selected by user, is displayed with program – col. 12, line 37-col. 13, line 45). However, Freeman does not specifically disclose an Internet browser.

Steele discloses displaying an icon to visually inform the viewer that the program is interactive compatible (figure 7); and storing Web browser in client machine 10 (col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Art Unit: 2623

Regarding claim 66, Freeman discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, figures 10-13; col. 5, lines 28-60; col. 12, line 37-col. 13, line 45; col. 15, line 26-col. 16, line 55); the subscriber gain access to the interactive programming on the server via online menu (col. 7, lines 10-12).

Freeman further discloses Interactive programs can be created using the Internet.

Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interaction (col. 19, lines 34-47). Thus, by selecting the online menu to access the Internet, the system must dynamically load an application to access Internet or to display content received from Internet (for example, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet). Freeman teaches a computer-implemented method for activating interactive supplemental content (audio and/or text/graphics – col. 19, lines 40-47) for a video content program upon tuning to a channel carrying the video content program, comprising the steps:

determining if a program is interactive compatible (col. 12, line 35-col. 13, line 45), where an interactive compatible program is associated with target source containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications

Art Unit: 2623

(graphical interrogatory message is linked to a predetermined source at head end, local storage, Internet. –12, line 35-col. 13, line 45; col. 19, lines 34-47);

displaying the interactive supplemental content in response to the viewer activating an icon (displaying audio and/or text/graphic in response to the viewer activating graphical interrogatory message – col. 12,line 37-col. 13, line 45)

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program (If the trigger point, set by user selection of the message, is detected, the audio and/or text/graphics from sources associated with the link, selected by user, is displayed with program – col. 12, line 37+); However, Freeman does not specifically disclose an Internet browser.

Steele discloses displaying the interactive supplemental content in response to the viewer activating icon 52 (figure 7); and storing Web browser in client machine 10 (col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

Regarding claim 67, Freeman discloses the data code is inserted into the video signal as trigger point; the controller examines the program for trigger point, If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, figures 10-13; col. 5, lines 28-60; col. 12, line 37-col. 13, line 45; col. 15, line 26-col. 16, line 55); the subscriber gain access to

Art Unit: 2623

the interactive programming on the server via online menu (col. 7, lines 10-12).

Freeman further discloses Interactive programs can be created using the Internet.

Interactive program authors can access a particular Internet site and download graphics, audio and video clips and suggested interaction (col. 19, lines 34-47). Thus, by selecting the online menu to access the Internet, the system must dynamically load an application to access Internet or to display content received from Internet (for example, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet). Freeman teaches computer-implemented a method for activating interactive supplemental content (audio and/or text/graphics) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible (determine trigger point in program), where an interactive compatible program is associated with target resources containing data which support interactive functionality conjunction with the interactive compatible program, the target resources being located by corresponding target specification (code of trigger point is linked to a predetermined source at head end, local storage, Internet -col. 15, line 60+);

in an event that the program is interactive compatible, retrieving a target specification associated with the program to activate the target resource in support of interactive functionality for the program; automatically displaying the interactive supplemental content together with the program (If the trigger point is detected, the audio and/or text/graphics from sources associated with the link of trigger point is retrieved and

Art Unit: 2623

automatically displayed with program – col. 15, line 60+). However, Freeman does not specifically disclose an Internet browser.

Steele discloses storing Web browser in client machine 10 (col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Freeman to use the teaching as taught by Steele in order to allow computer user to surf the Web.

3. Claims 57 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (US 5,861,881) in view of Steele (US 5,884,056) and further in view of Youman et al. (US 5,629,733).

Regarding claim 57, Freeman in view of Steele teaches a viewer-computing unit as discussed in the rejection of claim 56. Steele further discloses Internet browser in memory to activate the target resource (figure 4). However, neither Freeman nor Steele specifically discloses an EPG stored in the memory and execute on the processor to organize program information.

Youman teaches an EPG stored in the memory and executable on a processor to organize program information, the EPG associating a target specification (information on the program guide, information associated with “i” icon) to a target resource (data source such as SHO, TBS, etc. – figures 19-20) with a video content programs (e.g. “Big Girls Don’t Cry, They Get Even”, “No Mercy”, etc. - see figures 1, 19-21 and col. 8,

Art Unit: 2623

line 8+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman and Steele to use the teaching as taught by Youman in order to provide information of programs to be broadcast to viewer thereby allow viewer to easily find a program to watch.

Regarding claim 62, Freeman in view of Steele teaches a method as discussed in the rejection of claim 61. Freeman further discloses determining that the program is interactive compatible by presence graphical interrogatory message with trigger point/code (col. 12, line 37- col. 13, line 45) being associated with the program. Freeman in view of Steele does not specifically disclose presence of a target specification being associated with the program in the program listing.

Youman discloses a program guide comprises channels information, program sources information, and indicated data associated with program by displaying "i" icon (see including, but are not limited to, figures 19-20 and col. 10, lines 45-57).

Necessarily, the target specifications (e.g., channel information, interactive information, etc.) are correlated with program in a program listing, the program listing is inherently checked to ascertain whether the program is interactive compatible (e.g., checking the program listing for interactive icon 203 – figure 20); and determining that the program is interactive compatible by presence of a target specification being associated with the program in the program listing (e.g., sources where the interactive icon is linked to – figure 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman and Steele to use the teaching as



taught by Youman in order to notify user of interactive program thereby allow user to select interactive icon for further information.

### **(10) Response to Argument**

#### **1. Neither Freeman nor Steele, alone or in combination, disclose, teach, or suggest a Dynamically Loadable Internet Browser:**

Appellant argues neither Freeman nor Steele, alone or in combination, disclose, teach or suggest “the Internet browser being dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive” (pages 15-21).

In response, this argument is respectfully traversed. Freeman discloses the data code is inserted into the video signal as trigger point; the tuner (video selector and command extractor) is tuned to a channel (figure 1). The controller/command extractor examines the program for trigger point/command. If trigger point is detected in the program, information associated with the detected trigger point will be displayed (see including, but are not limited to, col. 12, line 37-col. 13, line 6; col. 15, line 55-col. 16, line 15). The subscriber gain access to the interactive programming on the server via online menu (col. 7, lines 10-12); and the data received in response to the trigger point can be obtained from Internet (col. 4, lines 35-41; col. 6, lines 45-65). Freeman further discloses interactive programs can be created using the Internet. Interactive program authors can access a particular Internet site and download graphics, audio and video

clips and suggested interaction... the viewer would watch the video on his or her computer, while the audio and/or text/graphics from Web site locations, for example, would be presented...(col. 19, lines 33-47). Thus, by selecting the online menu to access the Internet or to display content from Internet in response to the detected command/trigger point, an application must be dynamically launched to access the Internet or to display content from Internet. However, Freeman does not specifically disclose the application used to access the Internet or to display content from Internet is a Web browser application. Steele, discloses using Internet browser program as an application to access the Internet or to display content from Internet (see Steele reference, col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of using a Web browser application to access the Internet or to display content from Internet as taught by Steele in order to allow user to surf the Web easily.

Appellant argues Freeman does not disclose, teach or suggest that "by selecting the online menu to access the Internet, the system must be configured with Dynamic-link library (DLL) file associated with an application so that when online menu is selected, the DLL file is loaded and executed to call up an application for accessing the Internet." (page 18, lines 15-20).

In response to this argument, the Examiner provided DDL as an example to link between elements to call up an application.

Appellant further argues Steele reference make no mention as to how the web browser program is loaded or discloses criteria for loading the web browser program (bride paragraph between page 19 and page 20).

In response, the feature of how the Internet application is loaded is already disclosed in Freeman reference (Freeman discloses the Internet application is loaded (in order to access/to display Internet content) in response to trigger point/command detected in the composite channel as discussed above). The Examiner relies on Steele reference for the teaching of using Web Browser program to access the Internet or to display the Internet data.

For the reason given above, Freeman in view of Steele discloses "the Internet browser being dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive"

**2. Neither Freeman nor Steele, alone or in combination, disclose, teach or suggest determining if a program is interactive compatible by checking a channel separate from a channel carrying a video content program (pages 21 –25, line 10).**

In response, this argument is respectfully traversed. Freeman discloses microprocessor independently select two different individual time multiplexed video signals on different channels and data stream... One data stream carries video information pertaining the video signal the user is currently viewing. The second data stream carries the video

Art Unit: 2623

signal selected based on the user's previous and/or current interactive selections from the user interface, as determined by the microprocessor (col. 9, lines 8-25). Freeman further discloses the commands may either be embedded into data portions of full-motion video segments or may reside separately on a storage medium such as a disk...when the commands stored separately from the video segments in a digital segment, the timing of their execution is based upon "trigger point" (col. 6, lines 10-23). Thus, "the channel separate from a channel carrying a video content program" is broadly interpreted as channel with data stream carries video information or the path from the storage medium that carries command that is separate from channel with second data stream carries video signal.

Therefore, Freeman discloses determining if a program is interactive compatible by checking a channel separate from a channel carrying a video content program (determining program with trigger point/command by channel with data stream carries video information separate from channel with second stream carries video signal or by checking the channel/path from the storage medium separate from channel carrying full motion video segment).

In response to <sup>the</sup>~~applicant's~~ argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (bridge paragraph between page 24 and page 25), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the

Art Unit: 2623

claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the obviousness takes into account knowledge, which was within the level of ordinary skill at the time the claimed invention was made. Freeman discloses a system for accessing Internet and displaying Internet content to user (see, including, but is not limited to, col. 19, lines 33-47). Freeman does not specifically disclose using Web Browser to access and display Internet content. Steele discloses using Web browser to access and display Internet content (col. 5, lines 10-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of using the web browser to access and display content from Internet in order to allow user to surf the Web easily.

**3. Neither Freeman nor Steele, alone or in combination, disclose, teach or suggest an icon for an interactive program.**

Appellant argues that Steele does not disclose displaying an icon to visually inform the viewer that the program is interactive compatible. Indeed, the only mention of the word "icon" in Steele is in relation to a hyperlink to World Wide Web. Freeman does not mention the word "icon", and therefore does not cure the defects of Steele (pages 26-27).

In response, this argument is respectfully traversed. Steele discloses the icons/video objects are displayed on the screen (figure 7); user accesses the server by selecting a highlighted word, picture or icon (a program object representation), video

Art Unit: 2623

object for more information (col. 2, lines 30-36; col. 5, lines 59-67). Thus, the "icon" is displayed to inform the viewer that the program is interactive compatible (the icon indicates data associated with the icon can be accessed by selecting the icon).

Alternatively, Freeman discloses the interrogatory messages can be presented as graphics displays overlaid by the interactive computer workstation onto a video signal; associated data are provided to user according to user selections to answers to the interrogatory messages (col. 13, line 44-col. 14, line 7). Thus, the graphical message is located in a selected area and the combination of graphical message and selectable area is interpreted as "icon".

For the reason given above, Freeman in view of Steele discloses an icon for an interactive program.

**4. Neither Freeman, Steele, nor Youman, alone or in combination, disclose, teach or suggest the EPG associating a target specification to a target source with a video content program (pages 28-32).**

In response, this argument is respectfully traversed. Youman discloses storing program guide (program scheduling information) in memory (i.e. DRAM 18 – col. 8, lines 18-25). The program guide comprises plurality of selectable icons. When user selects an icon on the program guide, video program or data associated with the selected icon is accessed and displayed to user (see including, but are not limited to, figures 5, 11, 19 and col. 10, lines 44-57; col. 15, line 27-col. 16, line 67). Thus, Youman disclose the

Art Unit: 2623

EPG (program scheduling information) is stored in a memory and executed on the processor to organize program information (see figures 1, 19); the “target specification” is met by channel information or information associated with icon “i” in the program guide; target resource with a video content program is met by the video source of the particular video program (e.g., “No Mercy” is provided by TBS on channel 25 – figure 19).

For the reason given above, Freeman in view of Steele and Youman discloses an EPG (program schedule) associating a target specification (i.e. channel information) to a target resource (video source of particular video program) with a video content program (particular video program).

**5. Neither Freeman, Steele, nor Youman, alone or in combination, disclose, teach or suggest determining that the program is interactive compatible by presence of a target specification being associated with the program in the program listing (pages 33-35).**

In response, this argument is respectfully traversed. Freeman discloses determining that the program is interactive compatible by presence graphical interrogatory message with trigger point/code (col. 12, line 37- col. 13, line 45) being associated with the program. Freeman does not specifically disclose presence of a target specification being associated with the program in the program listing. Youman further discloses presence channel information, interactive information “i” icon being associated with the program in the program listing to indicate that user can select the

Art Unit: 2623

icon for more information associated with the program (figures 19, 20 and col. 10, lines 44-57). By displaying the icon "i" on the screen, the program listing must be checked to ascertain whether the program is interactive compatible.

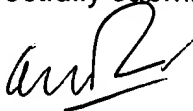
For the reason given above, Freeman in view of Steele and Youman discloses determining that the program is interactive compatible by presence of a target specification being associated with the program being in the program listing.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



07/07/06

Son P. Huynh



**CHRISTOPHER GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

Conferees:

Christopher S. Kelley

Vivek Srivastava



**CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**